

REMARKS

Claims 1-10 and 12-19 were presented for examination in the present application and remain pending for consideration upon entry of the instant amendment. Claims 1, 12, and 17 are independent.

Applicants wish to thank the Examiner for his time on December 15, 2010 to discuss the present application.

Claim 1 has been amended to correct an obvious error. Applicants submit that this amendment merely makes explicit what had been implicit in the claim.

Claim rejections under 35 U.S.C. §102

Independent claims 1, 12, and 17, as well as dependent claims 2-10, 13-14, 16, and 18-19, were rejected under 35 U.S.C. §102(b) over newly cited U.S. Patent No. 4,014,463 to Herman (Herman). Dependent claim 15 was rejected under 35 U.S.C. §103(a) over Herman in view of newly cited U.S. Patent No. 4,743,229 to Chu (Chu).

Independent claim 1 has been clarified by amendment to recite, in part, that "the first piston is displaced in the active agent chamber and the second piston is displaced in the gas chamber (emphasis added)".

The Office Action asserts that reference numeral 14 of Herman discloses the claimed "second piston" and that element 16 of Herman is the claimed "gas chamber".

Applicants respectfully submit that reference numeral 14 of Herman is not "displaced in" element 16 of Herman as in clarified claim 1.

Instead, Herman requires that as the chamber 14 is moved within the chamber 10, its upper end **moves the piston 18** which exerts pressure on the resin 12, while at the same time, the **stop member 42 holds the piston 36** from moving upwardly with the chamber 14 so that piston 36 is forced downwardly with respect to chamber 14. See col. 4, lines 15-35.

As such, Applicants submit that Herman fails to teach or suggest displacing the second piston in the gas chamber as required by present claim 1. Rather, Herman specifically teaches away from the structure of present claim 1.

The Office Action fails to assert that Chu cures any of the aforementioned or other deficiencies of Herman. Accordingly, Herman alone or in combination with Chu fails to disclose or suggest claim 1.

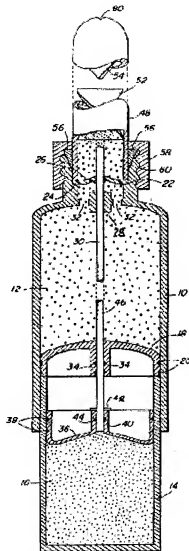
Claim 1, as well as claims 2-10 that depend therefrom, are patentable over the cited art. Reconsideration and withdrawal of the rejection to claims 1-10 over Herman are respectfully requested.

Applicants also submit that present independent claim 12 is not disclosed or suggested by the cited art.

Rather, claim 12 has been clarified to now recite, in part, that "the foam producing means is **connected to the second piston by a holder** (emphasis added)".

Applicants submit that Herman merely discloses two liquid chambers and merely discloses that piston 18 closes chamber 12, while piston 36 closes chamber 14. However, Herman simply fails to disclose or suggest that either piston 18, 36 is connected to mixer 48 as required by present claim 12.

Rather, and as best seen in FIG. 1 which is reproduced below for ease of analysis, Herman clearly discloses that mixer 48 is at the completely opposite end of its device from chamber 14, which was asserted by the Office Action as reading on the claimed "second piston".



Thus, Applicants submit that Herman fails to disclose or suggest that mixer 48 is connected to chamber 14 by a holder as in present claim 12.

The Office Action fails to assert that Chu cures any of the aforementioned or other deficiencies of Herman. Accordingly, Herman alone or in combination with Chu fails to disclose or suggest claim 12.

Claim 12, as well as claims 13-16 that depend therefrom, are patentable over the cited art. Reconsideration and withdrawal of the rejection to claims 12-16 over Herman are respectfully requested.

Applicants also submit that present independent claim 17 is not disclosed or suggested by the cited art.

Claim 17 has been clarified to recite that the entrainment element "maintains a **fixed distance** between the first and second pistons (emphasis added)".

Instead, Herman requires that as the chamber 14 is moved within the chamber 10, its upper end **moves the piston 18** which exerts pressure on the resin 12, while at the same time, the **stop member 42 holds the piston 36** from moving upwardly with the chamber 14 so that piston 36 is forced downwardly with respect to chamber 14. See col. 4, lines 15-35.

Accordingly, Herman specifically discloses moving piston 18 downwardly, while using stop member 42 to hold piston 36 in place so that the distance between the two pistons continually increases. Herman simply fails to disclose any structure that reads on the entrainment element of present claim 17.

The Office Action fails to assert that Chu cures any of the aforementioned or other deficiencies of Herman. Accordingly, Herman alone or in combination with Chu fails to disclose or suggest claim 17.


Claim 17, as well as claims 18-19 that depend therefrom, are patentable over the cited art. Reconsideration and withdrawal of the rejection to claims 17-19 over Herman are respectfully requested.

Summary

In view of the above, it is respectfully submitted that the present application is in condition for issuance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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